

Serial No. 10/713,851**Patent
59520-03DIV****REMARKS**

Claims 8 -19 are pending in the application.

In the Office Action of June 27, 2005, the Examiner has divided the claims into three (3) groups: Group I (Claims 8, 14, 15, and 17-19) drawn to method of making proteins, DNA encoding them and vector and cell comprising the DNA; Group II (Claims 9-13) drawn to fusion proteins; and Group III (Claim 16) drawn to primer pairs.

Applicant traverses this requirement. Reconsideration and withdrawal thereof are earnestly requested.

Applicant submits that there is not an undue burden placed upon the Examiner to search and consider all of the claims.

Applicant asserts that all of the claims are linked by the special technical feature of a peptide that confers resistance to environmental stress. The Examiner is respectfully requested to consider the fact that the present application is directed to the peptide with environmental resistance and the method for preparing the peptide with environmental stress resistance. The fusion proteins in Group II claims are prepared using the nucleotide sequence and the method claimed in Group I claims. Since the fusion proteins described in the Group II claims requires the method described in Group I claims for their production, the nucleotide sequence, method and its protein products are closely related and inseparable. Further, the primer pair claimed in Group III claim is useful for detection of the DNAs encoding the peptides produced by the method claimed in Group I claims. Further, the primer pair is very useful for confirmation of the products produced by the method of Group I claims. Therefore, all of the claims in Groups I, II, and III should be considered and examined as a single invention.

Further, it would not require undue burden for the Examiner to examine altogether the claims in Groups I, II, and III. Rather, Applicant submits that it is burdensome upon Applicant to be forced to file separate patent applications based on related claims. Accordingly, all of the claims should be joined and examined together.

However, in order to be responsive to the outstanding Restriction Requirement, Applicant provisionally elects to prosecute Group I, claims 8, 14, 15, and 17-19, drawn to method of making proteins, DNA encoding them and vector and cell comprising the DNA, for prosecution on the merits, with traverse. Applicant specifically preserves the right to prosecute the non-elected claims.

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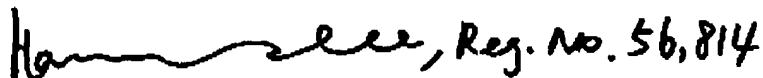
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Accordingly, early examination on the merits is respectfully requested.

The Commissioner is authorized to charge Deposit Account 502486 for any fees due to secure entry of this amendment to the extent necessary.

July 26, 2005

Respectfully submitted,

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